

**FORM 1**  
**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT**  
**ASSET CASES**

Page No: 1

Case No.: 20-03559  
Case Name: LIVINGSTON, JAMES WHITFIELD  
For the Period Ending: 06/30/2021

Trustee Name: Robert H. Waldschmidt  
Date Filed (f) or Converted (c): 03/23/2021 (c)  
§341(a) Meeting Date: 04/19/2021  
Claims Bar Date: 06/28/2021

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Value	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA = § 554(a) abandon.	Sales/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
<b>Ref. #</b>					
1	3904 Hwy 31 E Bethpage TN 37022 (collecting rent per 6.11.21 order ECF156)	\$104,900.00	\$41,345.26	\$500.00	\$104,400.00
2	2002 Ford F250 (collecting rent per 6.11.21 order ECF156)	\$4,500.00	\$500.00	\$55.55	\$4,944.45
3	2004 Ford F250 (collecting rent per 6.11.21 order ECF156)	\$3,500.00	\$500.00	\$55.55	\$3,944.45
4	1995 Chevy 1500 (collecting rent per 6.11.21 order ECF156)	\$1,500.00	\$500.00	\$55.60	\$1,944.40
5	1972 Triumph TR6 (collecting rent per 6.11.21 order ECF156)	\$2,500.00	\$2,000.00	\$55.55	\$2,444.45
6	2006 Isuzu NPR (collecting rent per 6.11.21 order ECF156)	\$8,000.00	\$8,000.00	\$55.55	\$7,944.45
7	2016 Toyota Tundra (collecting rent per 6.11.21 order ECF156)	\$23,000.00	\$3,433.33	\$55.55	\$22,944.45
8	HHG	\$1,500.00	\$500.00	\$0.00	FA
9	TV	\$50.00	\$0.00	\$0.00	FA
10	Guns	\$500.00	\$0.00	\$0.00	FA
11	Clothing	\$1,000.00	\$0.00	\$0.00	FA
12	Potential PI claim from car accident	Unknown	\$1.00	\$0.00	\$1.00
13	Bobcat T650 Loader (collecting rent per 6.11.21 order ECF156)	\$45,000.00	\$10,834.95	\$55.55	\$44,944.45
14	Various Stocks	\$77,000.00	\$77,000.00	\$77,087.90	FA
15	Business interest: LG Ornamentals, LLC 100 %	Unknown	\$1.00	\$0.00	\$1.00
16	Business interest: Livingscapes, LLC 100 %	Unknown	\$1.00	\$0.00	\$1.00
17	Roth IRA Etrade	\$5,100.00	\$0.00	\$0.00	FA
18	Inventory: trees/plants in Watertown TN RP	\$0.00	\$0.00	\$0.00	FA
19	Inventory: trees/plants in Bethpage RP	Unknown	\$0.00	\$0.00	FA
20	Potential claim v. Livingscapes LLC (u)	\$0.00	\$1.00	\$0.00	\$1.00
21	2004 Isuzu NPR Box truck (collecting rent per 6.11.21 order ECF156)	\$8,000.00	\$8,000.00	\$55.55	\$7,944.45
22	Unused retainer to Colin Calhoun (not property of estate-belongs to Livinscapes)	\$0.00	\$0.00	\$0.00	FA

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23 2018 trailer and 15 trees destroyed in auto accident	\$7,907.49	\$0.00		\$0.00	FA
24 2015 John Deere Skid Loader (collecting rent per 6.11.21 order ECF156)	\$0.00	\$25,000.00		\$55.55	\$24,944.45

**TOTALS (Excluding unknown value)**

\$293,957.49      \$177,617.54

\$78,087.90

**Gross Value of Remaining Asset**

\$226,404.00

**Major Activities affecting case closing:**

06/25/2021 Received first \$1,000 rent check from Livingscapes. Should receive one each month

06/25/2021 Motion and Agreed Order submitted to clarify Claim #16 (Lauren Logue (She doesn't have a claim against the Bankruptcy Estate)

06/10/2021 Agreed order submitted in all 3 related cases requiring the debtors to pay \$1,000 per month to the Trustee to continue using certain assets of the bankruptcy estate; possible obj to DSO claim.

05/27/2021 potential global settlement with debtor - in discussions

05/20/2021 Agreed order subordinating claims 7 & 8 was entered

05/18/2021 Obtained authority and filed Motion/Agreed order to subordinate Claims #7 & #8

05/17/2021 debtor objected to m/turnover, hearing schd 6/15/21

04/23/2021 motion for turnover of real property filed v. LG Ornamentals; hearing set 6/15/21

04/13/2021 Brokerage account funds received - \$77,087.90

04/05/2021 Filed Notices of Appearance in the LG Ornamentals, LLC and Livingscapes , LLC Chapter 11 cases

04/01/2021 rhw having conf call with SL and MM re possible global settlement with tort claimants and claim v. livingscapes llc and disposition of real property/rent pmts

03/31/2021 spoke with James Livingston today - he cannot wire or issue check from the brokerage cash acct; we agreed he would have the money transferred to his bank account and he would send a cashier's check for the amount as well as the closing statement from brokerage acct to us. emailed him our addy.

03/30/2021 Livingston called and wanted wire info. left him a message to call me back.

03/30/2021 reviewed Chapter 13 pleadings

03/30/2021 appt atty and asset notice done. Ch7 claims bar deadline 6/28/21

03/29/2021 teleconf with counsel and debtor on 3/30 at 2p

03/26/2021 from Jay:  
I can request it. My understanding is that the debtor manages the brokerage accounts. So, I would be asking him to liquidate the investment accounts to a cash brokerage account, and then see if the cash brokerage account could be wired directly to you rather than being deposited in the debtor's bank account. Additionally, I will ask the debtor to provide supporting documentation on the liquidation of the holdings and \$0 balance after the wire has been completed. I will check with the debtor on it and get back to you.

03/26/2021 spoke with Jay Lefkovitz this morning - the debtor is liquidating the brokerage accts into a cash account and he will contact me to get wiring instructions. Jay had a question since there will be a capital (taxable) gain on the investments - wanted to have trustee withhold 20% of funds to reimb debtor at tax time - not sure we can do this (unless by a/o) - how to handle the gain ? question for accountant? I'm thinking the best way is to have debtor withhold 20% of the funds and we do an agreed order to that effect. defer to RHW.

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03/25/2021 RHW to contact SL re assets in case  
03/25/2021 Jay Lefkovitz (not Steve) is the lead on this case. RHW emailed him re: non-exempt assets  
03/25/2021 Jay Lefkovitz says there is \$85,000 in the debtor's brokerage account and that those funds may be sufficient to pay all claims. HOWEVER, there are two large contingent claims (which apparently will be hotly contested) which might require further liquidation of assets.

Initial Projected Date Of Final Report (TFR): 05/20/2022

Current Projected Date Of Final Report (TFR): 05/20/2022

/s/ ROBERT H. WALDSCHMIDT  
ROBERT H. WALDSCHMIDT